

NOBLE 2012

LR57-CR 00-6 Bail Policy and Schedule

(A) This rule supersedes all prior bail orders and schedules issued by the Noble Circuit Court, Noble Superior Court, Div. I, and Noble Superior Court, Div. 2.

(B) The following bail schedule determines the presumptively reasonable bail that shall be imposed schedule does not apply when bond is otherwise set by the court.

Murder	Presumptively not bailable
Class A Felony	Set by the court at initial hearing (Guideline \$25,000.00)
Class B Felony.....	Set by the court at initial hearing (Guideline \$15,000.00)
Class C Felony.....	Set by the court at initial hearing (Guideline \$ 7,500.00)
Class D Felony.....	\$ 4,500.00
Misdemeanor.....	\$ 3,500.00
Domestic Battery	\$50,000.00

(C) Bail may be posted in any of the following ways:

1. Depositing cash or securities in an amount equal to the bail; or
2. Executing a bail bond with sufficient solvent sureties as required by Indiana Code 35-33-8; or
3. Executing a bond approved by the court secured by real estate located in Noble County, Indiana, where the true cash value as determined by the Noble County Assessor for tax purposes, less encumbrances, is at least equal to two (2) times the amount of the bail; or
4. Providing any other bond or surety as may be approved by the court.

(D) Notwithstanding Subsection (C) above, if the defendant is:

1. Charged with a Class D Felony or a Misdemeanor
2. Arrested without a warrant
3. A resident of the State of Indiana; and is
4. Not charged with a crime of violence involving personal injury or the use of a firearm,

then bail for the Class D Felony or Misdemeanor may also be posted by depositing ten percent (10%) of the amount of the bail with the Noble County Clerk or the Noble County Sheriff. The court reserves the right in its discretion to approve the posting of ten percent (10%) cash bail in all cases.

(E) Bail for individuals arrested without a warrant shall be determined by the bail for the highest count charged. Bail shall not be required for additional counts of equal or lesser potential punishment.

(F) Any cash bail posted shall be posted in the defendant's name only and shall be considered the personal asset of the defendant. Cash bail may be applied toward Noble County Court Services fees, probation user's fees, restitution, public defender fees, jail reimbursement, fines, costs, extradition fees, and any other lawful amounts as determined by the court. The

remainder shall be released to the defendant when the personal appearance bond is released. The Sheriff shall advise any individual seeking to post cash bail for a defendant of these conditions; however, failure to so advise shall not constitute a waiver of these conditions.

(G) In addition to any cash bail posted, all applicable statutory fees shall be added to the amount of bail and are not included in the amounts listed above.

(H) Individuals arrested without a warrant for a Class D felony or a Misdemeanor may post bail according to this bail schedule.

(I) All individuals arrested without a warrant shall be brought before the court on the day of arrest if the court is in session and the person is booked into the Noble County Jail prior to 1 p.m. or on the next day the court is in session following the arrest.

(J) No individual shall be released or brought before the court while intoxicated.

(K) Juveniles (individuals under 18 years of age) shall not be held to bail and shall be released to the recognizance of a parent or guardian, unless the crime charged is one listed in I.C. 31-30-1-4.

(L) The arresting officer or the prosecuting attorney may seek a deviation from the schedule in the event of extenuating circumstances.